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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,352

08/29/2001

Michael F. Angelo

1662-40800 (P01-3609)

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07/27/2006

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FORT COLLINS, CO 80527-2400

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/942,352	<b>Applicant(s)</b> ANGELO, MICHAEL F.	
	<b>Examiner</b> Christopher J. Brown	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-22, 24-38, 40-51, 64-67 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22, 24-38, 40-51, 64-67 and 69-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 5/1/2006, with respect to claims 41, and 64 have been fully considered and are persuasive. The 112 rejection of Claims 41 and 64 have been withdrawn.

Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed have been fully considered but they are not persuasive.

With regards to claims 41, and 64, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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Gennaro teaches the biometric control decision and teaches logical access, while Cedillo teaches physical access to expand the ability of Gennaro to secure both logical and physical devices. It would be obvious to one of ordinary skill in the art to make such a combination because biometric security is much more secure than an ordinary lock and key.

The rejection of claim 41 teaches selectively controlling access, as interpreted with the broadest reasonable interpretation, this means that the unit selects to grant access, or to deny access.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 19, 20-27, and 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cedillo US 6,364,439 in view of Swinger US 6,349,825 in view of JP411229687 in view of Gennaro US 6,317,834.**

As per claim 19, Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said

system teaches a lock for preventing components from being accessed by unauthorized users, (Col 5 lines 2-16). Cedillo does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Cedillo with the biometric access of Swinger, because the biometric access of swinger increases security. It is inherent that an access code is submitted to gain access when a user is authenticated.

The Cedillo-Swinger combination teaches a biometric lock securing a computer component, but does not teach a plurality of locks securing computer components.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component biometrically.

Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20). It is inherent that an access code is submitted to gain access when a user is authenticated.

It would have been obvious to one of ordinary skill in the art to add the data security of Gennaro to the physical security of the Cedillo-Swinger-JP411229687 teaches a security

system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

As per claims 20, Swinger teaches using a fingerprint as biometric data, (Col 5 line 36).

As per claims 21, the previous Cedillo-Swinger combination teaches biometrics, but does not teach iris identification.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component.

Gennaro teaches using an iris as biometric data, (Col 4 line 65).

It would be obvious to one of ordinary skill in the art to use iris data of Gennaro to access the lock of the Emerick-Swinger-JP411229687 combination because it allows multiple biometric access methods.

As per claim 22, Swinger teaches an electromechanical lock, (Col 5 lines 35-40).

As per claim 24 the previous Cedillo-Swinger-JP411229687 combination does not disclose a biometric template.

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As per claims 24, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

It would have been obvious to one of ordinary skill in the art to incorporate the template of Gennaro with the biometric lock of Cedillo-Swinger-JP411229687 so that the lock could be accessed by a plurality of biometrically authorized users.

As per claims 25, 26 Swinger teaches unlocking said lock upon proper biometric authorization, (Col 5 lines 43-48).

As per claim 27, JP 411229687A teaches each lock is associated with a each computer components, (Fig 1).

As per claim 64, Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said system teaches a lock for preventing components from being accessed by unauthorized users, (Col 5 lines 2-16). Cedillo does not teach biometric access.

Swinger teaches biometric access to a physical lock protecting a laptop, (Col 5 lines 35-48). Swinger teaches that a fingerprint may be used to open said lock, (Col 5 line 36). It would have been obvious to one of ordinary skill in the art to modify the lock system of Cedillo with the biometric access of Swinger, because the biometric access of swinger increases security.

JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

It would have been obvious to combine the Cedillo-Swinger biometric physical lock with the multiple locks of JP411229687 so that a user could secure more than one component biometrically.

Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20).

It would have been obvious to one of ordinary skill in the art to add the data security of Gennaro to the physical security of the Cedillo-Swinger-JP411229687 teaches a security system to secure items, including a biometric sensor on each lock, all connected to a control unit, (English Abstract, Fig 1).

As per claim 65, Gennaro teaches that the control unit is remote to the computer system, (Fig 3).

As per claims 66, and 67, Cedillo teaches a rack for mounting computer storage equipment, (Col 2 lines 29-33, Fig 3).

As per claim 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claim 70 Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claim 71 Gennaro teaches using an iris as biometric data, (Col 4 line 65).



**Claims 41-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Gennaro US 6,317,834 in view of Lee US 5,742,683 in view of Cedillo US 6,364,439**

As per claim 41 Gennaro teaches using a biometric access system to control access to a computer device in a computer system, (Col 1 lines 57-62). Gennaro teaches using a biometric sensor to obtain a biometric sample, (Col 4 lines 60-66). Gennaro teaches authenticating a user to permit access to a computer, (Col 2 lines 16-20). Gennaro teaches a unit that performs a verification step to control whether the user gains access, (Col 5 lines 18-40).

Gennaro fails to teach logical access to more than 1 component.

Gennaro fails to teach allowing physical access.

Lee teaches using biometrics and granting access to different components based on said biometrics, (Col 7 lines 55-67, Col 8 lines 1-5, 17-24).

It would have been obvious to one of ordinary skill in the art to combine the biometric access system of Gennaro with the different components of Lee because this allows for multiple levels of security.

Cedillo teaches a system for protecting electronic equipment, including a rack with computer storage components, (Col 2 lines 44-55 Fig 3). Cedillo teaches said system teaches a lock for preventing components from being accessed by unauthorized users,

(Col 5 lines 2-16). It would have been obvious to use the physical lock system of Cedillo with the previous biometric access Gennaro-Lee combination because it enhances the security of the system with physical locks.

As per claim 42 Gennaro teaches using a fingerprint as biometric data, (Col 4 line 65).

As per claim 43 Gennaro teaches using an iris as biometric data, (Col 4 line 65).

As per claims, 49, 51, Gennaro teaches that the computer device is a storage device, (database), (Col 4 lines 50-56).

As per claim 44, Gennaro teaches allowing access based on the biometric reading, (Col 2 lines 15-21).

As per claim 45, Gennaro teaches if the biometric reading does not match, preventing access, (Col 4 lines 50-55).

As per claims 46, and 69 Gennaro teaches a registry of biometric templates, (Col 2 lines 1-6).

As per claims 47, Gennaro teaches using the biometric template to authenticate a person, (Col 2 lines 15-20).

As per claims 48, Gennaro teaches permitting access to a computer device once the person is authenticated, (Col 2 lines 19-20).

As per claims 50, Gennaro teaches that the system does not authenticate the person, no access is allowed, (Col 4 lines 50-56).

***Allowable Subject Matter***

4. Independent Claim 28 contains allowable subject matter over the current art of record because it states a first user identity permitting logical access but not physical access, and a second user identity permitting physical access but not logical access. Dependent claims 29-40 are allowable based upon independent claim 28.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

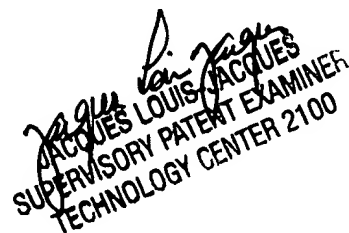
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jaques Louis Jaques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

7/23/06



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